

In response to the arguments and evidence presented in the Amendment filed on February 28, 2006, the Examiner states that the Material Safety Data sheet (MSDS) of commercial products that correspond to the compounds M-14 to M-17 do not define "n" and "n" needs to be defined in the claims. The Examiner also states that the commercial MSDS has not been made of record because it was not submitted in an IDS.

Applicants respectfully traverse the rejection for the reasons of record. That is, one of ordinary skill in the art would readily understand that the counter "n" in formula M-14 to M-17 in independent claim 1 simply means any number of repeating units. In support thereof, Applicants submitted a copy of a Material Safety Data Sheet for the commercial products which corresponds to the compounds of M-14 to M-17 as evidence on the following grounds.

As described in the specification of the present application (page 6, lines 17-24), "the polymerizable compound having a urethane skeleton is an addition-polymerizable compound having at least one urethane linkage and at least one prepolymer, which includes dimers, trimers and oligomers, as well as mixtures and copolymers thereof. The polymerizable compounds have a problem in that it is difficult to have the number of repeating units therein remain constant. Further, the oligomers shown in the data sheet for the commercial products have a polymerization degree of 100 or less, and the total amount of the addition-polymerizable compounds (i.e., the addition-polymerizable compounds having a urethane skeleton and the optionally used other addition-polymerizable compounds) is limited within a range of preferably 5 to 80% by mass, and more preferably 25 to 75% by mass, based on nonvolatile components in the photosensitive layer (page 18, lines 5-9). Therefore, one skilled in the art can understand and determine the polymerization degree of the compounds of M-14 to M-17 from

the standard data of the commercial products without presenting the definition of "n" in formula M-14 to M-17.

The Examiner improperly indicated that the MSDS is not made of record because it was not submitted as an Information Disclosure Statement. Applicants note that the MSDS sheet was submitted as evidence in support of Applicants' position and not as prior art. Therefore, it is not necessary for Applicants to submit the publication in an Information Disclosure Statement for the reference to be considered part of the Official record as evidence in support of Applicants' position. See MPEP 609.05(c).

Notwithstanding the above, Applicants submit an Information Disclosure Statement listing the MSDS sheet and additional references, i.e., "Encyclopedia of Chemical Technology," 3rd ed. Vol. 18, p. 745 (1982), "McGraw-Hill Concise Encyclopedia of Science & Technology," 2nd ed., p. 1466 (1987) and "Van Nostrand's Encyclopedia of Chemistry," 5th ed., p. 1345 (2005), which further show that the use of a counter such as the counter "n" is well known in the art. Since the counter "n" is used even with specific polymers such as polystyrene (see the "Encyclopedia of Chemical Technology") and nylon-6 (see the McGraw-Hill reference), one skilled in the art would readily understand what is meant by the present claims.

Accordingly, Applicants respectfully request withdrawal of the §112 rejection.

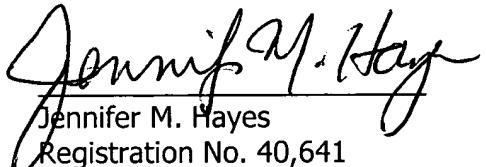
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response under 37 C.F.R. § 1.111
U.S. App. Ser. No. 10/781,922

Q79960

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: August 17, 2006